IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3064 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRAVINCHANDA RAVJIBHAI DESAI

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 3064 of 2002

MR PM DAVE for Petitioner No. 1

Mr.D.N.Patel for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 06/03/2002

ORAL JUDGEMENT

1. Rule. Mr. D.N.Patel waives service of rule on behalf of respondent. By consent rule is fixed forthwith.

2. Heard Mr.Dave for the petitioner and Mr.D.N.Patel appearing for the respondent. The petitioner has approached this court praying that the respondent be directed to rectify the date of birth mentioned in the

Passport on the basis of the birth certificate issued by the Village Panchayat at Annexure "B" collectively to the petition.

3. It is the case of the petitioner that the petitioner has earlier applied for passport relying upon the School Leaving Certificate issued by the Principal, Dadubhai Parshottamdas Desai High School, Nadiad dated 14.6.1968 wherein as per the said School Leaving Certificate, the birth date of the petitioner was shown as 20.4.1953. Accordingly in the year 1992 the petitioner has got passport showing the birth date of the petitioner as 20.4.1953. The said passport is valid upto November 2002. Now the petitioner has got other document, namely, village form No.14 issued by Karamsad Village Panchayat wherein the birth of the petitioner was registered in the Register maintained by the said authority and the birth date of the petitioner was shown as 27.4.1953. The name of the petitioner is also found in the said Certificate in column No.5,namely, Pravin. The said certificate was issued on 3.3.1992. It is the case of the petitioner that the petitioner has accordingly approached the passport authority relying upon the said Certificate. However, when the petitioner has approached the respondent, the passport authority has orally informed the petitioner that it would not be possible for the authority to effect the change in the birth date, for which the petitioner is required to approach and obtain Court's order.

4. Mr.D.N.Patel appearing for the respondent has submitted that earlier passport was issued in favour of the petitioner wherein the petitioner himself has relied upon the School Leaving Certificate wherein the date of birth of the petitioner was shown as 20.4.1953 and accordingly the passport was issued in favour of the petitioner on 1.12.1992. Now the petitioner has while renewing the passport relied upon the certificate issued by the Mamlatdar to show that the petitioner's birth date was registered in the Record of Karamsad village Panchayat as 27.4.1953 and under the Rules, if there are two inconsistent documents showing different dates, the authority is not required to correct the date unless and until the direction is received from the Court.

5. Considering this and as the petitioner now wants to rely upon the document showing the birth date of the petitioner as 27.4.1953, as found from the Certificate issued by the Mamlatdar on 3.3.1992, the respondent authority is directed to consider the application for the passport of the petitioner and examine even the

Certificate issued by the Mamlatdar, wherein the date of birth of the petitioner is shown as 27.4.1953. If the authority is satisfied that the document is genuine, the authority shall decide the application of the petitioner in accordance with law and issue passport in favour of the petitioner accordingly.

6. With these observations, the petition is disposed of. Rule is made absolute. Direct service is permitted.

(D.K.Trivedi,J)

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